IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

CRP.No. 2137 of 2002()
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CMA.22/1998 of III ADDL.SUB COURT, ERNAKULAM
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REVN. PETITIONER: APPELLANT: PETITIONER
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SMT. CHANDRAMATI KESAVAN,
W/O. KESAVAN, HOUSE NO.39, GIRI NAGAR,
SOUTH COLONY, ERNAKULAM, KOCHI-682 020.

BY ADV. SRI.P.V.JAYACHANDRAN
SRI.ALIAS M.CHERIAN

RESPONDENTS: RESPONDENT:RESPONDENT/PERSONS SOUGHT TO BE IMPLEADED
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1. SRI.P.N. BHASKARAN, ARAKKAL HOUSE,
KADAVANTHRA, ERNAKULAM, KOCHI-20.

2. MRS. V. VILASINI, AGED 69 YEARS, W/O. LATE BHASKARAN,
ARAKKAL HOUSE, COCHIN-20.

3. K.B. MAYADEVI, D/O. LATE BHASKARAN, ARAKKAL HOUSE,COCHIN-20.

4. K.B. MINI, D/O. LATE BHASKARAN, ARAKKAL HOUSE, COCHIN-20.

5. K.B. VINOD KUMAR, S/O. LATE BHASKARAN, ARAKKAL HOUSE,COCHIN-20.

6. K.B. SHAJI,S/O. LATE BHASKARAN, ARAKKAL HOUSE, COCHIN-20.
R2 to R6 are impleaded as per order dt. 22/10/07 on CMP 6425/02 in CRP 2137/02

BY ADV. SRI.M.K.DILEEPAN
SRI.M.K.DILEEPAN,SRI.DEEPAK T.NEDUNGADAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP 5312/2002 IN CRP 2137/2002

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DISMISSED.

SD/- M.N.KRISHNAN, JUDGE.

22/10/2007

**M.N.Krishnan, J.**

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**C.R.P.No.2137 of 2002**

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**Dated this the 22nd day of October, 2007.**

**ORDER**

This revision petition is preferred against the order of the IInd Additional Munsiff, Ernakulam whereby the said court dismissed an application under Section 125(3) of the Kerala Land Reforms Act for reference to the Land Tribunal. The court below found that there are no specific pleadings in the written statement that the revision petitioner is a kudikidappukari of the plaint schedule property and that since the written statement does not contain such a pleading the question of kudikidappu will not arise and therefore a reference under Section 125(3) of the Kerala Land Reforms Act is not necessary.

2. I had also perused the written statement and to my mind it appears that there is no plea as such to raise the question of kudikidappu in the suit with the present pleadings available. Therefore, I cannot find fault with the court below for dismissing the application. But at the same time, I make it clear that if the

defendant is entitled to get her written statement amended as per law, after hearing both sides and if such question arises in that pleading, then the matter has to be considered by the court at that stage.

With this observation, the Civil Revision Petition is disposed of.

M.N.Krishnan,
Judge.

ess 22/10